

SENATE BILL No. 371

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-8-1; IC 6-3.1-2-1; IC 9-27-4-5.5; IC 10-13-3-38.5; IC 11-10-5; IC 12-17-2-34; IC 20-1; IC 20-5.5-8-4; IC 20-6.1; IC 20-8.1; IC 20-10.1-7-12.5; IC 20-10.2; IC 25-1-1.2-2; IC 25-33-1.

Synopsis: Consolidation of professional standards board. Provides that the department of education rather than the professional standards board governs training, licensing, and professional development of teachers. Establishes a division within the department to administer these functions. Changes the current professional standards board into an advisory board to advise the state superintendent of public instruction, the state board of education, and the division of professional standards. Establishes a fund to receive fee revenue. Provides for use of the fund for program administration and makes a continuing appropriation for this purpose. Repeals a redundant section and adds transitional provisions.

Effective: July 1, 2005.

Kenley

January 11, 2005, read first time and referred to Committee on Education and Career Development.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 371

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-1-8-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) No individual may be
3 compelled by any state agency, board, commission, department,
4 bureau, or other entity of state government (referred to as "state
5 agency" in this chapter) to provide the individual's Social Security
6 number to the state agency against the individual's will, absent federal
7 requirements to the contrary. However, the provisions of this chapter
8 do not apply to the following:

- 9 (1) Department of state revenue.
10 (2) Department of workforce development.
11 (3) The programs administered by:
12 (A) the division of family and children;
13 (B) the division of mental health and addiction;
14 (C) the division of disability, aging, and rehabilitative services;
15 and
16 (D) the office of Medicaid policy and planning;
17 of the office of the secretary of family and social services.



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- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Health professions bureau.
- (11) Indiana professional licensing agency.
- (12) ~~Indiana~~ Department of insurance, with respect to licensing of insurance producers.
- (13) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (14) The Indiana state teachers' retirement fund.
- (15) The state police benefit system.
- (16) The alcohol and tobacco commission.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, the health professions bureau, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

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(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the ~~professional standards board~~ **department of education** established by ~~IC 20-1-1.4-2~~ **IC 20-1-1.1-2** may require an individual who applies to the board for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the board only for conducting a background investigation, if the board is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 2. IC 6-3.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, the following terms have the following meanings:

(1) "Eligible teacher" means a teacher:

(A) certified in a shortage area by the ~~professional standards board~~ **department of education** established by ~~IC 20-1-1.4;~~ **IC 20-1-1.1-2**; and

(B) employed under contract during the regular school term by a school corporation in a shortage area.

(2) "Qualified position" means a position that:

(A) is relevant to the teacher's academic training in a shortage area; and

(B) has been approved by the Indiana state board of education under section 6 of this chapter.

(3) "Regular school term" means the period, other than the school summer recess, during which a teacher is required to perform duties assigned to ~~him~~ **the teacher** under a teaching contract.

(4) "School corporation" means any corporation authorized by law to establish public schools and levy taxes for their maintenance.

(5) "Shortage area" means the subject areas of mathematics and science and any other subject area designated as a shortage area by the Indiana state board of education.

(6) "State income tax liability" means a taxpayer's total income tax liability incurred under IC 6-3 and IC 6-5.5, as computed after application of credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

SECTION 3. IC 9-27-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) To receive an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must

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complete at least twelve (12) semester hours in driver education courses, of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:

(1) a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established by ~~IC 20-1-1.4~~; **IC 20-1-1.1-2**; and

(2) at least five (5) years of teaching experience in driver education.

(b) The three (3) semester hours of supervised student teaching experience required under subsection (a) may only be undertaken by an individual who will be at least twenty-one (21) years of age upon completion and may only be performed at a high school, a commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining nine (9) hours of driver education courses required under subsection (a) must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours required under subsection (a) do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

(1) The individual meets the requirements of subsection (a).

(2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.

(3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

(1) during 1995, held an instructor's license;

(2) meets the requirements of subsection (d)(2) and (d)(3); and

(3) completes the twelve (12) semester hours of driver education courses required under subsection (a) not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's

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license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

(1) holds a driver and traffic safety education endorsement issued by the ~~professional standards board~~ **department of education** established ~~under IC 20-1-1-4;~~ **by IC 20-1-1.1-2;** and

(2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by the bureau under subsection (d), (e), or (f) may act as an instructor.

SECTION 4. IC 10-13-3-38.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat. 1115), the department may use an individual's fingerprints submitted by the individual for the following purposes:

(1) Determining the individual's suitability for employment with the state, or as an employee of a contractor of the state, in a position:

(A) that has a job description that includes contact with, care of, or supervision over a person less than eighteen (18) years of age;

(B) that has a job description that includes contact with, care of, or supervision over an endangered adult (as defined in IC 12-10-3-2), except the individual is not required to meet the standard for harmed or threatened with harm set forth in IC 12-10-3-2(a)(3);

(C) at a state institution managed by the office of the secretary of family and social services or state department of health;

(D) at the Indiana School for the Deaf established by IC 20-16-2-1;

(E) at the Indiana School for the Blind established by IC 20-15-2-1;

(F) at a juvenile detention facility;

(G) with the **Indiana** gaming commission under IC 4-33-3-16;

(H) with the department of financial institutions under IC 28-11-2-3; or

(I) that has a job description that includes access to or supervision over state financial or personnel data, including state warrants, banking codes, or payroll information pertaining to state employees.

(2) Identification in a request related to an application for a teacher's license submitted to the ~~professional standards board~~ **department of education** established ~~under IC 20-1-1-4.~~ **by IC 20-1-1.1-2.**

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1 An applicant shall submit the fingerprints in an appropriate format or
 2 on forms provided for the employment or license application. The
 3 department shall charge each applicant the fee established under
 4 section 28 of this chapter and by federal authorities to defray the costs
 5 associated with a search for and classification of the applicant's
 6 fingerprints. The department may forward fingerprints submitted by an
 7 applicant to the Federal Bureau of Investigation or any other agency for
 8 processing. The state personnel department or the agency to which the
 9 applicant is applying for employment or a license may receive the
 10 results of all fingerprint investigations.

11 (b) An applicant who is an employee of the state may not be charged
 12 under subsection (a).

13 (c) Subsection (a)(1) does not apply to an employee of a contractor
 14 of the state if the contract involves the construction or repair of a
 15 capital project or other public works project of the state.

16 SECTION 5. IC 11-10-5-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~professional~~
 18 ~~standards~~ **Indiana state board of education** established by ~~IC 20-1-1-4~~
 19 **IC 20-1-1-1** shall, in accord with IC 20-6.1-3, adopt rules under
 20 IC 4-22-2 for the licensing of teachers to be employed by the
 21 department.

22 SECTION 6. IC 11-10-5-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Limited certificates
 24 valid for one (1) year may be granted, upon the request of the
 25 commissioner, according to rules of the ~~professional standards~~ **Indiana**
 26 **state board of education** established by ~~IC 20-1-1-4~~ **IC 20-1-1-1**.
 27 Modification of these rules may be made by the ~~professional standards~~
 28 ~~board~~ **department of education established by IC 20-1-1-1-2** in a
 29 way reasonably calculated to make available an adequate supply of
 30 qualified teachers. A limited certificate may be issued in cases where
 31 special training and qualifications warrant the waiver of part of the
 32 prerequisite professional training required for certification to teach in
 33 the public schools. The limited certificate, however, may be issued only
 34 to applicants who have graduated from an accredited college or
 35 university. Teachers of vocational education need not be graduates of
 36 an accredited college or university but shall meet requirements for
 37 conditional vocational certificates as determined by the ~~professional~~
 38 ~~standards board~~ **department of education**.

39 SECTION 7. IC 12-17-2-34 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 34. (a) When the Title
 41 IV-D agency finds that an obligor is delinquent and can demonstrate
 42 that all previous enforcement actions have been unsuccessful, the Title

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IV-D agency shall send, to a verified address, a notice to the obligor that ~~includes~~ **does** the following:

- (1) Specifies that the obligor is delinquent.
- (2) Describes the amount of child support that the obligor is in arrears.
- (3) States that unless the obligor:
 - (A) pays the obligor's child support arrearage in full;
 - (B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the Title IV-D agency to pay the arrearage; or
 - (C) requests a hearing under section 35 of this chapter;

within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.
- (4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:
 - (A) Pay the obligor's child support arrearage in full.
 - (B) Request the activation of an income withholding order under IC 31-16-15-2 and establish a payment plan with the Title IV-D agency to pay the arrearage.
 - (C) Request a hearing under section 35 of this chapter.
- (5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:
 - (A) the board **or department** that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;
 - (B) the supreme court disciplinary commission if the obligor is licensed to practice law;
 - (C) the ~~professional standards board~~ **as department of education** established by ~~IC 20-1-1.4~~ **IC 20-1-1.1-2** if the obligor is a licensed teacher;
 - (D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;
 - (E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33;
 - (F) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or

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(G) the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the department of natural resources under the following:

- (i) IC 14-22-12 (fishing, hunting, and trapping licenses).
- (ii) IC 14-22-14 (Lake Michigan commercial fishing license).
- (iii) IC 14-22-16 (bait dealer's license).
- (iv) IC 14-22-17 (mussel license).
- (v) IC 14-22-19 (fur buyer's license).
- (vi) IC 14-24-7 (nursery dealer's license).
- (vii) IC 14-31-3 (ginseng dealer's license).

(6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.

(7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.

(8) Explains the procedures to:

- (A) pay the obligor's child support arrearage in full;
- (B) establish a payment plan with the Title IV-D agency to pay the arrearage; and
- (C) request the activation of an income withholding order under IC 31-16-15-2.

(b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;

the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.

(c) An order issued under subsection (b) must require the following:

- (1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.
- (2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit

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to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

- (1) full name;
- (2) date of birth;
- (3) verified address; and
- (4) Social Security number or driving license number;

of the obligor to the bureau of motor vehicles.

(e) When the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board **or department** regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) When the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the ~~professional standards board~~ **department of education** if the obligor is a licensed teacher, that the obligor is delinquent.

(h) When the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

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the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11 or IC 4-33-8.5-3.

(i) When the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) When the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

SECTION 8. IC 20-1-1-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) As used in this section, "board" refers to the **Indiana** state board of education established under section 1 of this chapter.

(b) As used in this section, "department" refers to the department of education established under IC 20-1-1.1-2.

(c) As used in this section, "governing body" has the meaning set forth in IC 20-10.1-1-5.

(d) As used in this section, "plan" refers to an Indiana school academic plan established under section 6.3 of this chapter.

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(e) As used in this section, "program" refers to a professional development program.

(f) As used in this section, "school" includes the following:

(1) A public school.

(2) A nonpublic school that has voluntarily become accredited under section 6 of this chapter.

(g) As used in this section, "superintendent" has the meaning set forth in IC 20-10.1-1-6.

(h) A school shall develop a program as a component of a plan established by the school.

(i) The following apply to a program developed under this section:

(1) The program must emphasize improvement of student learning and performance.

(2) The program must be developed by the committee that develops the school's strategic and continuous improvement and achievement plan under IC 20-10.2-3-1.

(3) The program must be integrated with the school's strategic and continuous improvement and achievement plan developed under IC 20-10.2-3.

(j) A school committee shall submit the school's program to the superintendent for the superintendent's review. The superintendent:

(1) shall review the plan to ensure that the program aligns with the school corporation's objectives, goals, and expectations;

(2) may make written recommendations of modifications to the program to ensure alignment; and

(3) shall return the program and any recommendations to the school committee.

(k) A school committee may modify the program to comply with recommendations made by the superintendent under subsection (j).

(l) A school committee shall submit the program as part of its plan to the governing body. The governing body shall:

(1) approve or reject the program as part of the plan; and

(2) submit the program to the board as part of the plan for the school.

(m) The board may approve a school's program only if the program meets the board's core principles for professional development and the following additional criteria:

(1) To ensure high quality professional development, the program:

(A) is school based and collaboratively designed, and encourages participants to work collaboratively;

(B) has a primary focus on state and local academic standards,

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including a focus on Core 40 subject areas;

(C) enables teachers to improve expertise in subject knowledge and teaching strategies, uses of technologies, and other essential elements in teaching to high standards;

(D) furthers the alignment of standards, curriculum, and assessments; and

(E) includes measurement activities to ensure the transfer of new knowledge and skills to classroom instruction.

(2) A variety of resources, including needs assessments, an analysis of data regarding student learning needs, professional literature, research, and school improvement programs, are used in developing the program.

(3) The program supports professional development for all stakeholders.

(4) The program includes ongoing professional growth experiences that provide adequate time and job embedded opportunities to support school improvement and student learning, including flexible time for professional development that provides professional development opportunities before, during, and after the regular school day and school year.

(5) Under the program, teacher time for professional development sustains instructional coherence, participant involvement, and continuity for students.

(6) The program includes effective, research based strategies to support ongoing developmental activities.

(7) The program supports experiences to increase the effective use of technology to improve teaching and learning.

(8) The program encourages diverse techniques, including inquiry, reflection, action research, networking, study groups, coaching, and evaluation.

(9) The program includes a means for evaluating the effectiveness of the program and activities under the program.

(n) The board shall approve an evaluation system for professional development based on recommendations from the department and the ~~professional standards board~~ **advisory board for the division of professional standards established by IC 20-1-1.4-3**. The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:

(1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ISTEP tests

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under IC 20-10.1-16, local tests, classroom work, and teacher and administrator observations.

(2) A procedure for using collected data to make decisions.

(3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.

(o) A school qualifies for a grant from the department when the school's program, developed and submitted under this section, is approved by the board upon recommendation of the department. For purposes of determining whether a school qualifies for a grant under this chapter, the department shall:

(1) review;

(2) suggest changes to; and

(3) recommend approval or rejection of;

a school's program.

(p) A school must use a grant received under this section to implement all or part of the school's program by funding activities that may include the following:

(1) Partnership programs with other entities, including professional development schools.

(2) Teacher leadership academies, research teams, and study groups.

(3) Workshops, seminars, and site visits.

(4) Cooperative programs with other school corporations.

(5) National board certification for teachers.

(q) A school may contract with private or public sector providers to provide professional development activities under this section.

(r) A grant received under this section:

(1) shall be expended only for the conduct of activities specified in the program; and

(2) shall be coordinated with other professional development programs and expenditures of the school and school corporation.

(s) A school shall report to the department concerning the use of grants received under this chapter. A school that fails to make a report under this section is not eligible for a subsequent grant.

SECTION 9. IC 20-1-1.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. ~~Notwithstanding IC 20-1-1.1-1, As used in this chapter, "advisory board" refers to the professional standards board~~ **advisory board for the division of professional standards** established by ~~section 2~~ **section 3** of this chapter.

SECTION 10. IC 20-1-1.4-1.5 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: **Sec. 1.5. As used in this chapter, "division" refers to the division of professional standards established by section 2.5 of this chapter.**

SECTION 11. IC 20-1-1.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~professional standards board is established to govern teacher training and licensing programs. Notwithstanding any other law, the board and the board's staff have~~ **department has the sole** authority and responsibility for making recommendations concerning and otherwise governing teacher training and teacher licensing matters, **including professional development.**

SECTION 12. IC 20-1-1.4-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. The division of professional standards is established within the department to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 13. IC 20-1-1.4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) **The advisory board for the division of professional standards is established to advise the superintendent, the board, the department, and the division on matters concerning teacher training, licensing, and professional development.** The advisory board consists of nineteen (19) voting members.

(b) Each voting member of the **advisory** board described in this subsection and subsections (c) and (d) must hold an Indiana teacher's license and must be actively employed by a school corporation unless otherwise provided. Eighteen (18) members shall be appointed by the governor as follows:

- (1) One (1) member must hold a license and be actively employed in a public school as an Indiana school superintendent.
- (2) Two (2) members must:
 - (A) hold licenses as public school principals;
 - (B) be actively employed as public school principals; and
 - (C) be employed at schools having dissimilar grade level configurations.
- (3) One (1) member must:
 - (A) hold a license as a special education director; and
 - (B) be actively employed as a special education director in:
 - (i) a school corporation; or
 - (ii) a public school special education cooperative.

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(4) One (1) member must be a member of the governing body of a school corporation but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.

(5) Three (3) members must meet the following conditions:

(A) Represent Indiana teacher training units within Indiana public and private institutions of higher education.

(B) Hold a teacher's license but not necessarily an Indiana teacher's license.

(C) Be actively employed by the respective teacher training units but are not required to be employed by a school corporation.

(6) Nine (9) members must be licensed and actively employed as Indiana public school teachers in the following categories:

(A) At least one (1) member must hold an Indiana standard early childhood education license.

(B) At least one (1) member must hold an Indiana teacher's license in elementary education.

(C) At least one (1) member must hold an Indiana teacher's license for middle/junior high school education.

(D) At least one (1) member must hold an Indiana teacher's license in high school education.

(7) One (1) member must be a member of the business community in Indiana, but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.

(c) Each member described in subsection (b)(6) must be licensed and actively employed as a practicing teacher in at least one (1) of the following areas to be appointed:

(1) At least one (1) member must be licensed in special education.

(2) At least one (1) member must be licensed in vocational education.

(3) At least one (1) member must be employed and licensed in student services, which may include school librarians or psychometric evaluators.

(4) At least one (1) member must be licensed in social science education.

(5) At least one (1) member must be licensed in fine arts education.

(6) At least one (1) member must be licensed in English or language arts education.

(7) At least one (1) member must be licensed in mathematics education.

(8) At least one (1) member must be licensed in science

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education.

(d) At least one (1) of the voting members described in subsections (b) and (c) must be a parent of a student enrolled in a public preschool or public school within a school corporation in either kindergarten or any of grades 1 through 12.

(e) The ~~state~~ superintendent shall serve as an ex officio voting member of the **advisory** board. The ~~state~~ superintendent may make recommendations to the governor as to the appointment of members on the **advisory** board.

SECTION 14. IC 20-1-1.4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The term of office for the appointed members of the **advisory** board is four (4) years.

SECTION 15. IC 20-1-1.4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **The superintendent shall appoint the chairman director** of the **advisory** board, ~~shall be elected by a majority of the members of the board who shall be known as the secretary of professional standards,~~ from among the members of the **advisory** board for a term of one (1) year. A member may be ~~reelected~~ **reappointed** to serve as a ~~chairman~~ **director** for subsequent terms.

SECTION 16. IC 20-1-1.4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Each member of the **advisory** board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the **advisory** board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 17. IC 20-1-1.4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) In addition to the powers and duties set forth in IC 20-6.1, the ~~board shall~~ **department may** adopt rules under IC 4-22-2 to do the following:

(1) Set standards for teacher licensing and **administer for the administration of** a professional licensing and certification process **by the department.**

(2) Approve or disapprove teacher preparation programs.

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- (3) Set fees to be charged in connection with teacher licensing.
- (4) Suspend, revoke, or reinstate teacher licenses.
- (5) Enter into agreement with other states to acquire reciprocal approval of teacher preparation programs.
- (6) Set standards for teacher licensing relative to new subjects of study.
- (7) Evaluate work experience and military service relative to higher education and experience equivalency.
- (8) Perform any other action that relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education and that attracts qualified candidates for teacher training from among the high school graduates of Indiana.
- (9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-1-1.9.

(b) Notwithstanding subsection (a)(1), a person shall earn one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the person holds a license under IC 25-8-6.

SECTION 18. IC 20-1-1.4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The **board department** may recommend to the general assembly for consideration of the general assembly measures relating to the **board's department's** powers and duties that improve the quality of teacher preparation or teacher licensing standards.

(b) The **board department** shall submit to the general assembly before November 1 of each year a report:

- (1) detailing the findings and activities of the **department, the division, and the advisory board**; and
- (2) including any recommendations developed ~~by the board~~ **under this chapter**.

SECTION 19. IC 20-1-1.4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The **board department** may, subject to approval by the budget agency, do the following **to administer the responsibilities of the department described in section 2 of this chapter**:

- (1) Establish advisory committees the **board department** determines are necessary.
- (2) Expend funds made available to the **board department** according to policies established by the budget agency.

(b) The **board department** shall comply with the requirements for submitting a budget request to the budget agency, as set forth in

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IC 4-12-1, for funds to administer the responsibilities of the department described in section 2 of this chapter.

SECTION 20. IC 20-1-1.4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. IC 4-21.5 applies to orders issued by the board under this chapter.

SECTION 21. IC 20-1-1.4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. There is established the professional standards fund to be administered by the department. The fund consists of fees collected under this chapter. Money in the fund does not revert to the state general fund at the end of a state fiscal year. Money in the fund is continuously appropriated for use by the department for administrative expenses in carrying out its responsibilities described in section 2 of this chapter.

SECTION 22. IC 20-1-1.9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. An individual who applies for an endorsement as an independent practice school psychologist must meet the following requirements:

(1) Be licensed as a school psychologist by the professional standards board established by IC 20-1-1.4-2; department.

(2) Be employed by a:

- (A) developmental center;
- (B) state hospital;
- (C) public or private hospital;
- (D) mental health center;
- (E) rehabilitation center;
- (F) private school; or
- (G) public school;

at least thirty (30) hours per week during the contract period unless the individual is retired from full-time or part-time employment as a school psychologist or the individual has a medical condition or physical disability that restricts the mobility required for employment in a school setting.

(3) Furnish satisfactory evidence to the professional standards board department that the applicant has received at least a sixty (60) semester hour master's or specialist degree in school psychology from:

- (A) a recognized institution of higher learning; or
- (B) an educational institution not located in the United States that has a program of study that meets the standards of the board department.

(4) Furnish satisfactory evidence to the professional standards

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~~board department~~ that the applicant has demonstrated graduate level competency through the successful completion of course work and a practicum in the areas of assessment and counseling. (5) Furnish satisfactory evidence to the ~~professional standards board department~~ that the applicant has at least one thousand two hundred (1,200) hours of school psychology experience beyond the master's degree level. At least six hundred (600) hours must be in a school setting under the supervision of any of the following:

(A) A physician licensed under IC 25-22.5.

(B) A psychologist licensed under IC 25-33.

(C) A school psychologist licensed under IC 20-1-1.4.

(6) Furnish satisfactory evidence to the ~~professional standards board department~~ that the applicant has completed, in addition to the requirements in subdivision (5), at least four hundred (400) hours of supervised experience in identification and referral of mental and behavioral disorders, including at least one (1) hour each week of direct personal supervision by a:

(A) physician licensed under IC 25-22.5;

(B) psychologist licensed under IC 25-33; or

(C) school psychologist endorsed under this chapter; with at least ten (10) hours of direct personal supervision.

(7) Furnish satisfactory evidence to the ~~professional standards board department~~ that the applicant has completed, in addition to the requirements of subdivisions (5) and (6), fifty-two (52) hours of supervision with a physician licensed under IC 25-22.5, a psychologist licensed under IC 25-33, or a school psychologist endorsed under this chapter that meets the following requirements:

(A) The fifty-two (52) hours must be completed within at least twenty-four (24) consecutive months but not less than twelve (12) months.

(B) Not more than one (1) hour of supervision may be included in the total for each week.

(C) At least nine hundred (900) hours of direct client contact must take place during the total period under ~~subdivision clause~~ (A).

(8) Furnish satisfactory evidence to the ~~professional standards board department~~ that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

(9) Furnish satisfactory evidence to the ~~professional standards~~

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~~board~~ **department** that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of any jurisdiction on the grounds that the applicant was not able to practice as a school psychologist without endangering the public. (10) Pass the examination provided by the ~~professional standards board~~ **department**.

SECTION 23. IC 20-5.5-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

(1) Any Indiana statute applicable to a governing body or school corporation.

(2) A rule or guideline adopted by the Indiana state board of education,

~~(3) A rule or guideline adopted by the professional standards board (established by IC 20-1-1.4-2);~~ except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

~~(4)~~ **(3)** A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

SECTION 24. IC 20-6.1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) As used in this article, the term "license" refers to any document issued by the ~~professional standards board established by IC 20-1-1.4;~~ which **department that** grants permission to serve as a particular kind of teacher. The term includes but is not necessarily limited to any certificate or permit issued by the ~~professional standards board~~ **department**.

(b) As used in this article, the term "kind of license" refers to the various types and grades of licenses.

SECTION 25. IC 20-6.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~professional standards board established by IC 20-1-1.4~~ **department** shall:

(1) arrange a statewide system of professional instruction for teacher training;

(2) accredit and inspect teacher training schools and departments which comply with the rules of the ~~professional standards board;~~ **department;**

(3) recommend and approve courses for the training of particular kinds of teachers in accredited schools and departments; and

(4) specify the kinds of licenses for graduates of approved courses.

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SECTION 26. IC 20-6.1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Each accredited school and department may use the word "accredited" in advertising its approved courses and the kind of teachers it is accredited to prepare. Each accredited school and department may enter into the student teaching agreements specified in IC 20-5-10.

(b) The ~~professional standards board~~ **department** shall revoke this right to use the word "accredited" when an accredited school or department refuses to abide by the ~~professional standards board's~~ **department's** rules.

SECTION 27. IC 20-6.1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~board~~ **department** is responsible for the licensing of teachers.

SECTION 28. IC 20-6.1-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The ~~board~~ **department** may adopt rules for:

- (1) the issuance of a substitute license; and
- (2) the employment of substitute licensees.

A person may not serve as a substitute teacher without a license issued by the ~~board~~ **department**.

SECTION 29. IC 20-6.1-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The ~~board~~ **department** shall designate:

- (1) the grade average required for each kind of license; and
- (2) the kinds of license to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The ~~board~~ **department** shall determine details of licensing not provided in this chapter. These details may include requirements regarding:

- (1) the conversion of one (1) kind of license into another;
- (2) the accreditation of teacher training schools and departments;
- (3) the exchange and renewal of licenses;
- (4) the endorsement of another state's license;
- (5) the acceptance of credentials from teacher training institutions of another state;
- (6) the academic and professional preparation for each kind of license;
- (7) the granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license;
- (8) the issuance of licenses on credentials;
- (9) the kind of license for each school position;
- (10) the size of an elementary school requiring a licensed

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principal; and

(11) other related matters.

However, the **board department** shall ~~not later than December 31,~~
~~1984,~~ establish at least one (1) system for renewing a teaching license
 that does not require a graduate degree.

(c) The **board department** shall periodically publish bulletins
 regarding:

(1) the details described in subsection (b);

(2) information on the kinds of licenses issued;

(3) the rules governing the issuance of each kind of license; and

(4) other similar matters.

SECTION 30. IC 20-6.1-3-7 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) On the written
 recommendation of the state superintendent, the **board department**
 may suspend or revoke a license for:

(1) immorality;

(2) misconduct in office;

(3) incompetency; or

(4) willful neglect of duty.

However, for each suspension or revocation, the **board department**
 shall comply with IC 4-21.5-3.

(b) This subsection applies when a prosecuting attorney knows that
 a licensed employee of a public school (as defined in IC 20-10.1-1-2)
 or a nonpublic school has been convicted of an offense listed in
 subsection (d). The prosecuting attorney shall immediately give written
 notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of
 the school corporation that employs the licensed employee or the
 equivalent authority for the nonpublic school.

(3) The presiding officer of the governing body of the school
 corporation that employs the licensed employee, if the convicted
 licensed employee is the superintendent of the school corporation.

(c) The superintendent of a school corporation, presiding officer of
 the governing body, or equivalent authority for a nonpublic school shall
 immediately notify the state superintendent when the person knows that
 a current or former licensed employee of the public school or nonpublic
 school has been convicted of an offense listed in subsection (d).

(d) The **board department**, after holding a hearing on the matter,
 shall permanently revoke the license of a person who is known by the
board department to have been convicted of any of the following
 felonies:

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(1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(12) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1).

(13) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(14) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(15) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(16) Dealing in a counterfeit substance (IC 35-48-4-5).

(17) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(e) A license may be suspended by the state superintendent as specified in IC 20-6.1-4-13.

SECTION 31. IC 20-6.1-3-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.1. (a) As used in this section, "applicant" refers to an applicant for:

(1) a new license;

(2) a renewal license; or

(3) a substitute teacher certificate;

issued by the ~~board~~ department.

(b) As used in this section, "limited criminal history" has the meaning set forth in IC 10-13-3-11.

(c) As used in this section, "disposition" has the meaning set forth in IC 10-13-3-7.

(d) An applicant must do the following:

(1) Submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3.

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(2) Obtain a copy of the limited criminal history for the applicant from the repository's records.

(3) Submit to the **board department** the limited criminal history for the applicant.

(4) Submit to the **board department** a document verifying a disposition that does not appear on the limited criminal history for the applicant.

(e) The **board department** may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

(f) The **board department** must use the information obtained under this section in accordance with IC 10-13-3-29.

(g) An applicant is responsible for all costs associated with meeting the requirements of this section.

SECTION 32. IC 20-6.1-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The **board department** shall keep a record of:

(1) all licenses issued;

(2) all licenses in force; and

(3) the academic preparation, professional preparation, and teaching experience of each applicant for a license or a license renewal.

(b) Each superintendent shall register and keep a record of:

(1) the kind of license held by each teacher;

(2) each teacher's date of first employment; and

(3) each teacher's annual or monthly salary.

SECTION 33. IC 20-6.1-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The **board department** shall not renew the junior high/middle school or secondary education license of a teacher on the basis of the teacher obtaining a graduate degree unless the teacher completes at least the equivalent of eighteen (18) semester hours beyond the teacher's undergraduate degree in any combination of courses in the teacher's major, minor, primary, supporting, or endorsement areas. These semester hours may include graduate hours, undergraduate hours, or both, as determined by the **board department**.

(b) The **board department** may adopt rules under IC 4-22-2 to create exceptions to subsection (a), and may grant individual waivers to subsection (a).

(c) This section does not apply to anyone who, on or before September 1, 1985, has earned more than the equivalent of twelve (12) semester hours of graduate credit.

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SECTION 34. IC 20-6.1-3-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10.1. (a) The ~~board~~ **department** may not grant an initial standard license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the ~~board~~ **department**:

- (1) Basic reading, writing, and mathematics.
- (2) Pedagogy.
- (3) Knowledge of the areas in which the individual is required to have a license to teach.
- (4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive reading instruction skills, including:
 - (A) phonemic awareness; and
 - (B) phonics instruction.

(b) An individual's license examination score may not be disclosed by the ~~board~~ **department** without the individual's consent unless specifically required by state or federal statute or court order.

(c) The ~~board~~ **department** shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (a).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

(d) The ~~board~~ **department** shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for individuals holding valid ~~teachers~~ **teacher's** licenses issued by another state.

(e) Subsection (a) does not apply to individuals holding Indiana limited, reciprocal, or standard teaching licenses on June 30, 1985.

(f) If the ~~board~~ **department** is notified by the department of state revenue that a person is on the most recent tax warrant list, the ~~board~~ **department** may not grant an initial standard license to the person until:

- (1) the person provides the ~~board~~ **department** with a statement from the department of state revenue indicating that the person's delinquent tax liability has been satisfied; or
- (2) the ~~board~~ **department** receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 35. IC 20-6.1-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) As used in this

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section, "program" refers to the transition to teaching program established by subsection (b).

(b) The transition to teaching program is established to accomplish the following:

(1) Facilitate the transition into the teaching profession of competent professionals in fields other than teaching.

(2) Allow competent professionals who do not hold a teaching license to earn and be issued a teaching license through participation in and satisfactory completion of the program.

(c) Subject to the requirements of this section, the **board department** shall develop and administer the program. The **board department** shall determine the details of the program that are not included in this section.

(d) Each accredited teacher training school and department shall establish a course of study that constitutes the higher education component of the program. The higher education component required under this subsection must comply with the following requirements:

(1) Include the following study requirements:

(A) For a program participant who seeks to obtain a license to teach in grade 6 through grade 12, up to eighteen (18) credit hours of study or the equivalent that prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under subsection (e), unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 5, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in the teaching of reading, that prepare a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on the communication of knowledge to students.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

(e) A person who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grade 6 through grade 12, one (1) of the following:

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- 1 (A) A bachelor's degree or the equivalent with a grade point
 2 average of three (3.0) on a four (4.0) scale from an accredited
 3 institution of higher education in the subject area that the
 4 person intends to teach.
- 5 (B) A graduate degree from an accredited institution of higher
 6 education in the subject area that the person intends to teach.
- 7 (C) Both:
- 8 (i) a bachelor's degree from an accredited institution of
 9 higher education with a grade point average of two and
 10 five-tenths (2.5) on a four (4) point scale; and
 11 (ii) five (5) years of professional experience;
 12 in the subject area that the person intends to teach.
- 13 (2) For a program participant who seeks to obtain a license to
 14 teach in kindergarten through grade 5, one (1) of the following:
- 15 (A) A bachelor's degree or the equivalent with a grade point
 16 average of three (3.0) on a four (4.0) scale from an accredited
 17 institution of higher education.
- 18 (B) Both:
- 19 (i) a bachelor's degree from an accredited institution of
 20 higher education with a grade point average of two and
 21 five-tenths (2.5) on a four (4.0) point scale; and
 22 (ii) five (5) years of professional experience in an
 23 education-related field.
- 24 (f) The ~~board~~ **department** shall grant an initial standard license to
 25 a program participant who does the following:
- 26 (1) Successfully completes the higher education component of the
 27 program.
- 28 (2) Demonstrates proficiency through a written examination in:
- 29 (A) basic reading, writing, and mathematics;
- 30 (B) pedagogy; and
- 31 (C) knowledge of the areas in which the program participant
 32 is required to have a license to teach;
 33 under section 10.1(a) of this chapter.
- 34 (3) Participates successfully in a beginning teacher internship
 35 program under IC 20-6.1-8 (repealed) that includes
 36 implementation in a classroom of the teaching skills learned in the
 37 higher education component of the program.
- 38 (4) Receives a successful assessment of teaching skills upon
 39 completion of the beginning teacher internship program from the
 40 administrator of the school where the beginning teacher
 41 internship program takes place, or, if the program participant does
 42 not receive a successful assessment, ~~participates~~ **continues**

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1 **participation** in the beginning teacher internship program. ~~for a~~
 2 ~~second year, as provided under IC 20-6.1-8-13 (repealed). The~~
 3 ~~appeals provisions of IC 20-6.1-8-14 (repealed) apply to an~~
 4 ~~assessment under this subdivision.~~

5 (g) This subsection applies to a program participant who has a
 6 degree described in subsection (e) that does not include all the content
 7 areas of a standard license issued by the ~~board~~ **department**. The ~~board~~
 8 **department** shall issue an initial standard license that is restricted to
 9 only the content areas in which the program participant has a degree
 10 unless the program participant demonstrates sufficient knowledge in
 11 other content areas of the license.

12 (h) A school corporation may hire a program participant to teach
 13 only in the subject area in which the participant meets the
 14 qualifications set forth under subsection (e).

15 (i) After receiving an initial standard license under subsection (f) or
 16 (g), a program participant who seeks to renew the participant's initial
 17 standard license must meet the same requirements as other candidates
 18 for license renewal.

19 (j) The ~~board~~ **department** may adopt rules under IC 4-22-2 to
 20 administer this section. Rules adopted under this subsection must
 21 include a requirement that accredited teacher training schools and
 22 departments submit an annual report to the ~~board~~ **department** of the
 23 number of individuals who:

- 24 (1) enroll in; and
- 25 (2) complete;

26 the program.

27 SECTION 36. IC 20-6.1-5-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Computation of
 29 minimum salary shall be made each school year on the basis of the
 30 teacher's training, experience, and degree, completed as of the first day
 31 of service. If a teacher is licensed by the ~~professional standards board~~
 32 **department** on the first day of service in the current school year or on
 33 another date as agreed by the school employer and the exclusive
 34 representative under IC 20-7.5, the minimum salary of the public
 35 school teacher is as follows:

- 36 (1) The minimum salary of a teacher who has completed four (4)
 37 years or one hundred forty-four (144) weeks of professional
 38 training, for service during a nine (9) months school term, is five
 39 thousand two hundred dollars (\$5,200). To this salary, an
 40 increment of one hundred fifty dollars (\$150) shall be added for
 41 each of the first ten (10) years of experience. An increment of two
 42 hundred fifty dollars (\$250) shall be added to this salary after the

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15th year and again after the 20th year of experience.

(2) The minimum salary of a teacher who has completed five (5) years or one hundred eighty (180) weeks of professional training, for service during a nine (9) months school term, is five thousand five hundred dollars (\$5,500). To this salary, an increment of one hundred fifty dollars (\$150) shall be added for each of the first eighteen (18) years of experience. An increment of three hundred dollars (\$300) shall be added to this salary after each of the following years of experience:

(A) The nineteenth.

(B) The twentieth.

(C) The twenty-second.

(D) The twenty-fourth.

(E) The twenty-sixth.

(F) The thirtieth.

(3) The beginning salary of a teacher who has completed less than four (4) years of professional training, for service during a nine (9) months school term, is four thousand seven hundred dollars (\$4,700). To this salary, an increment of one hundred twenty dollars (\$120) shall be added after each of the first ten (10) years of experience.

SECTION 37. IC 20-6.1-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) If the school term of or contract with a school corporation is more or less than nine (9) months, the minimum salary as set forth in section 1 of this chapter shall be proportionately increased or decreased.

(b) The ~~professional standards board~~ **department** shall require:

(1) a bachelor's degree from an accredited teacher training institution for each teacher seeking to qualify for the first time for classification under section 1(1) of this chapter; and

(2) a master's degree for each teacher seeking to qualify for the first time for classification under section 1(2) of this chapter. Five (5) years of training may not be recognized unless at least a bachelor's degree has been completed.

(c) In fixing the annual salary of teachers when contracting with them or when distributing state funds, a fraction of less than one-half (1/2) of a dollar is dropped while a fraction of one-half (1/2) or more is adjusted to the next whole dollar.

SECTION 38. IC 20-6.1-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A person who:

(1) holds: ~~an~~

(A) ~~a~~ professional license;

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1 (B) a provisional license;
 2 (C) a limited license; or
 3 (D) an equivalent license, which is issued by the ~~professional~~
 4 ~~standards board;~~ **department;** and
 5 (2) serves as an occasional substitute teacher;
 6 shall be compensated on the pay schedule for substitutes of the school
 7 corporation ~~he the person~~ serves.

8 (b) A person who:

9 (1) holds a:

10 (A) professional license; or

11 (B) provisional license; and

12 (2) serves as a substitute teacher in the same teaching position for
 13 more than fifteen (15) consecutive school days;

14 shall be compensated on the regular pay schedule for teachers of the
 15 school corporation ~~he the person~~ serves.

16 SECTION 39. IC 20-8.1-3-13 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. With the exception
 18 of ex officio attendance officers, no person may hold the position of
 19 attendance officer unless ~~he the person~~ has complied with all
 20 standards of the ~~professional standards board~~ **department** and has been
 21 properly licensed by ~~that body:~~ **the department.**

22 SECTION 40. IC 20-8.1-6.1-6.1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) A school
 24 corporation may enter into an agreement with:

25 (1) a nonprofit corporation that operates a federally approved
 26 education program; or

27 (2) a nonprofit corporation that:

28 (A) is exempt from federal income taxation under Section
 29 501(c)(3) of the Internal Revenue Code;

30 (B) for its classroom instruction, employs teachers who are
 31 certified by the ~~professional standards board;~~ **department;**

32 (C) employs other professionally and state licensed staff as
 33 appropriate; and

34 (D) educates children who:

35 (i) have been suspended, expelled, or excluded from a public
 36 school in that school corporation and have been found to be
 37 emotionally disturbed;

38 (ii) have been placed with the nonprofit corporation by court
 39 order;

40 (iii) have been referred by a local health department; or

41 (iv) have been placed in a state licensed private or public
 42 health care or child care facility as described in section 5(b)

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of this chapter;
in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon from the transfer tuition of the student. The amount agreed upon may not exceed the transfer tuition costs that otherwise would be payable to the transferee corporation.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon which may not exceed the transfer tuition costs that otherwise would be payable to a transferee school corporation.

SECTION 41. IC 20-10.1-7-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12.5. (a) A school corporation may enter into an agreement with:

(1) another school corporation;
(2) an accredited nonpublic school; or
(3) entities described in both subdivisions (1) and (2);
to offer a joint summer school program for high school students under this section.

(b) An agreement under this section must:
(1) designate one (1) participating school corporation as the local education agency for the joint educational program; and
(2) specify how the costs of the joint summer school program, including compensation for teachers, will be allocated among the parties to the agreement.

(c) The parties to an agreement under subsection (a) may provide educational programs:

(1) that are not regularly provided as part of the established curriculum during the school year; and
(2) for which a student who successfully completes a program may receive high school and college credit under an articulation agreement or dual credit provision under IC 20-10.1-4.4-9, IC 20-12-1-9, or IC 20-12-17.1.

(d) Except as provided in subsection (e), an instructor for an educational program described in subsection (c) must be:

(1) licensed under IC 20-6.1; or
(2) granted a substitute teacher's license by the ~~professional standards board~~ **department**.

(e) If the school superintendent of the school corporation that is the

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1 local education agency determines that there:

2 (1) is not a qualified licensed teacher available from the entities
3 entering into an agreement under subsection (a); and

4 (2) is a qualified postsecondary instructor available;
5 to instruct in an educational program described under subsection (c),
6 the superintendent may request the ~~professional standards board~~
7 **department** to issue a substitute teacher's license to the instructor of
8 an educational program described in subsection (c).

9 (f) If the ~~professional standards board~~ **department** finds that there
10 is not a qualified licensed teacher available from the entities entering
11 into an agreement under subsection (a) to instruct in an educational
12 program described under subsection (c), the ~~professional standards~~
13 ~~board~~ **department** may issue a substitute teacher's license to the
14 instructor of an educational program described in subsection (c).

15 (g) An instructor for an educational program described under
16 subsection (c) must be compensated at the same rate as that determined
17 for a teacher under IC 20-6.1-4-8 and the local education agency's
18 contract with certificated employees.

19 (h) The ~~board~~ **department** shall adopt rules under IC 4-22-2 to
20 govern the distribution of state funds for purposes of this section.

21 SECTION 42. IC 20-10.2-8-1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The ~~professional~~
23 ~~standards board~~, in consultation with the department shall develop
24 guidelines for use by accredited teacher training institutions and
25 departments in preparing individuals to teach in various environments.

26 (b) The guidelines developed under subsection (a) must include
27 courses and methods that assist individuals in developing cultural
28 competency.

29 SECTION 43. IC 20-10.2-8-2 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The department ~~in~~
31 ~~consultation with the professional standards board~~, shall develop and
32 make available to school corporations and nonpublic schools materials
33 that assist teachers, administrators, and staff in a school in developing
34 cultural competency for use in providing professional and staff
35 development programs.

36 SECTION 44. IC 25-1-1.2-2 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this
38 chapter, "board" means an entity that regulates occupations or
39 professions under this title and the ~~professional standards board~~
40 **department of education** as established by ~~IC 20-1-1.4~~
41 **IC 20-1-1.1-2**.

42 SECTION 45. IC 25-33-1-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the **Indiana** department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

- (1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.
- (2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.
- (3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.
- (4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.
- (5) Initiate the prosecution and enjoinder of any person violating

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1 this article.

2 (6) Adopt rules which are necessary for the proper performance
3 of its duties, in accordance with IC 4-22-2.

4 (7) Establish a code of professional conduct.

5 (d) The board shall adopt rules establishing standards for the
6 competent practice of psychology.

7 (e) All expenses incurred in the administration of this article shall
8 be paid from the general fund upon appropriation being made in the
9 manner provided by law for the making of such appropriations.

10 (f) The bureau shall do the following:

11 (1) Carry out the administrative functions of the board.

12 (2) Provide necessary personnel to carry out the duties of this
13 article.

14 (3) Receive and account for all fees required under this article.

15 (4) Deposit fees collected with the treasurer of ~~the~~ state for
16 deposit in the state general fund.

17 (g) The board shall adopt rules under IC 4-22-2 to establish,
18 maintain, and update a list of restricted psychology tests and
19 instruments (as defined in section 14(b) of this chapter) containing
20 those psychology tests and instruments that, because of their design or
21 complexity, create a danger to the public by being improperly
22 administered and interpreted by an individual other than:

23 (1) a psychologist licensed under IC 25-33-1-5.1;

24 (2) an appropriately trained mental health provider under the
25 direct supervision of a health service provider endorsed under
26 IC 25-33-1-5.1(c);

27 (3) a qualified physician licensed under IC 25-22.5;

28 (4) a school psychologist who holds a valid:

29 (A) license issued by the ~~professional standards board~~
30 **department of education** under IC 20-1-1.4-2; or

31 (B) endorsement under IC 20-1-1.9;

32 practicing within the scope of the school psychologist's license or
33 endorsement; or

34 (5) a minister, priest, rabbi, or other member of the clergy
35 providing pastoral counseling or other assistance.

36 (h) The board shall provide to:

37 (1) the social work certification and marriage and family
38 therapists credentialing board; and

39 (2) any other interested party upon receiving the request of the
40 interested party;

41 a list of the names of tests and instruments proposed for inclusion on
42 the list of restricted psychological tests and instruments under

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subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and

(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 46. IC 25-33-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section does not apply to an individual who is:

(1) a member of a teaching faculty, at a public or private institution of higher learning for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;

(2) a commissioned psychology officer in the regular United States armed services;

(3) licensed by the ~~professional standards board~~ **department of education** (established by ~~IC 20-1-1.4-2~~ **IC 20-1-1.1-2**) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or

(4) endorsed as an independent practice school psychologist under IC 20-1-1.9.

(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and

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emotional disorders and disabilities, disorders of personality, or neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.

(c) It is unlawful for an individual to:

- (1) claim that the individual is a psychologist; or
- (2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist", or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-1-1.9.

(d) It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-1-1.9 or is exempted under section 1.1 of this chapter.

(e) It is unlawful for an individual, other than:

- (1) a psychologist licensed under IC 25-33-1-5.1;
- (2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);
- (3) a qualified physician licensed under IC 25-22.5;
- (4) a school psychologist who holds a valid:

(A) license issued by the ~~professional standards board~~ **department of education** under IC 20-1-1.4-2; or

(B) endorsement under IC 20-1-1.9;

who practices within the scope of the school psychologist's license or endorsement; or

(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

to administer or interpret a restricted psychology test or instrument as established by the board under ~~IC 25-33-1-3(g)~~ **section 3(g) of this chapter** in the course of rendering psychological services to individuals, organizations, or to the public.

(f) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 47. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 20-6.1-3-1.5; IC 20-6.1-3-6; IC 20-10.2-2-9.5.

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1 SECTION 48. [EFFECTIVE JULY 1, 2005] (a) The professional
2 standards board established by IC 20-1-1.4-2 is abolished.

3 (b) The following are transferred on July 1, 2005, from the
4 professional standards board to the department of education
5 established by IC 20-1-1.1-2:

6 (1) All real and personal property of the professional
7 standards board.

8 (2) All powers, duties, assets, and liabilities of the professional
9 standards board.

10 (3) All appropriations to the professional standards board.

11 (c) Money in the professional standards board licensing fund
12 established by P.L.224-2003, SECTION 9, is transferred on July 1,
13 2005, to the professional standards fund established by
14 IC 20-1-1.4-11, as added by this act.

15 (d) Rules that were adopted by the professional standards board
16 before July 1, 2005, shall be treated as though the rules were
17 adopted by the department of education established by
18 IC 20-1-1.1-2.

19 (e) After June 30, 2005, a reference to the professional
20 standards board in a statute or rule shall be treated as a reference
21 to the division of professional standards established by
22 IC 20-1-1.4-2.5, as added by this act.

23 (f) The members appointed before July 1, 2005, to the
24 professional standards board:

25 (1) become members of the advisory board for the division of
26 professional standards established by IC 20-1-1.4-3, as
27 amended by this act; and

28 (2) may serve until the expiration of the term for which the
29 members were appointed.

30 (g) A license or permit issued by the professional standards
31 board before July 1, 2005, shall be treated after June 30, 2005, as
32 a license or permit issued by the department of education
33 established by IC 20-1-1.1-2.

34 (h) Proceedings pending before the professional standards
35 board on July 1, 2005, shall be transferred from the professional
36 standards board to the department of education and treated as if
37 initiated by the department of education established by
38 IC 20-1-1.1-2.

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